



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 15, 1998

Captain Robert Taylor
City of Amarillo
Amarillo Police Department
200 East 3rd
Amarillo, Texas 79101-1514

OR98-2199

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 118754.

The City of Amarillo (the "city") received an open records request for a copy of an incident report and any photographs that were taken in conjunction with the report. You attached a computer printout indicating that the case is pending and that one of the defendants has pled "not-guilty." You contend that the requested information is exempt from required public disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the portions of the documents at issue.


Because you have furnished us with a document indicating that the records at issue pertain to a pending criminal prosecution, we conclude that you have met your burden of establishing that at this time the release of the requested information could interfere with law enforcement or prosecution.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). "Basic information" refers to the same type of information specifically made public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). The court held that the public had a right to the information usually contained on the front page of an offense report: the offense committed, location of the crime, identification and description of the complainant, the premises involved, the time of the occurrence, property involved, vehicles involved, description of the weather, a detailed description of the offense in question and the names of the investigating officers. Thus, with the exception of the

"basic information" the city may withhold the requested information from the requestor based on section 552.108 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID#118754

Enclosures: Submitted documents

cc: Ms. Roger Lynn Dunger
1602 N. Lake
Amarillo, Texas 79101
(w/o enclosures)